

**REMARKS**

Claims 1-30 are pending, with claims 1, 12, and 23 being independent. Claims 1, 12, and 23 have been amended.

In particular, claims 1, 12, and 23 have been amended to recite "a magazine. . .each containing a capsule and each having a cartridge actuating device, said capsule being dimensioned so that said cartridge actuating device is at least partially insertable in to said capsule, each of said cartridge actuating device being responsive to a respective electrical signal."

The amendments to claims 1, 12, and 23 will be further described hereinafter with reference to rejections of claims 1, 12, and 23.

Claims 1, 5, 10, 11, 12, 16, 21, 22, 23, 24, 29, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson (3,517,584) in view of Caddie (NPS/CIRPAS Activity Summary). Applicant respectfully disagrees.

Applicant has amended claims 1, 12, and 23 to recite "a payload dispenser comprising;

a magazine. . .each containing a capsule and each having a cartridge device, said capsule being dimensioned so that said cartridge actuating device is at least partially insertable into said capsule, each of said cartridge actuating device being responsive to a respective electrical signal;"

This amendment to claims 1, 12, and 23 is clearly supported by the illustration of the originally filed Fig. 7 and, thus, is not new matter.

The payload dispenser system of Robinson does not teach or suggest the payload dispenser as claimed by claims 1, 12, and 23. Robinson, at column 4, line 12-24, describes its payload dispensing system as:

The cylindrical stores 6 are each preferably ejected by a selectively controlled explosive cartridge ejection mechanism indicated at 22, carried in the bottom of each of the store ejection compartments 10 on bracket 24 (as seen in Fig. 3), projecting under the stores from the fore and aft sides of the store compartments 10, each containing an explosive cartridge and detonator within an axially expansible chamber, for

engagement with the central portion of the base or lower end of the stores 6 when the explosive is detonated, expanding the chamber to project the store 6 upwardly and forwardly out of its compartment into the airstream.

Robinson's ejection arrangement, as shown in Fig. 8, relies on the cartridge mechanism to expand for engagement with the base of the store so as to expel the store from the tube. This does not teach or suggest the ejection arrangement of applicant's claims 1, 12 and 23, as shown, for example, in Fig. 7 of the instant application, wherein the capsule is dimensioned so as to have an insertable relationship with its actuating cartridge. Therefore, the ejection arrangement of Robinson does not disclose, suggest or render obvious applicant's claims 1, 12 and 23.

From the above, and as shown, for example, in Figs. 3 and 4 of Robinson, Robinson's mechanism is not partially insertable into the store. More particularly, claims 1, 12 and 23 recite a capsule, which is dimensioned so that the cartridge actuating device is at least partially insertable into the capsule.

Caddie does not remedy the deficiencies of Robinson with respect to claims 1, 12, and 23. In particular, Caddie does not teach or suggest a payload dispenser comprising a magazine having a plurality of tubes each containing a capsule and each having a cartridge actuating device, the capsule being dimensioned so that the cartridge actuating device is at least partially insertable into the capsule.

Therefore Robinson, taken alone or in combination with Caddie, fails to teach or suggest the subject matter of claims 1, 12, and 23.

Claims 5, 10, 11, 16, 21, 22, 24, 29 and 30 are dependent upon one of independent claims 1, 12, or 23, and thus are allowable based at least on their dependency.

For at least these reasons, Applicants request that the 35 U.S.C. §103 rejection of claims 1, 5, 10, 11, 12, 16, 21, 22, 23, 24, 29, and 30 over Robinson and Caddie be withdrawn.

Claims 2-4 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson as applied to

claim 1, and further in view of Burchfiel (6,678,590).

Applicant respectfully disagrees.

Burchfiel does not remedy the deficiencies of Robinson with respect to claims 2-4 and 13-15. Burchfiel discloses the use of frontward and downward facing video cameras in unmanned aircrafts. However, Burchfiel does not disclose or suggest a payload dispenser comprising the magazine for holding the payload comprising a plurality of tubes, each containing a capsule and each having a cartridge actuating device, the capsule being dimensioned so that the cartridge actuating device is at least partially insertable into the cartridge, each of the cartridge actuating devices being responsive to a respective electrical signal.

Claims 2-4 and 13-15 are dependent upon one of independent claims 1 or 12, and are allowable based at least on their dependency. Therefore, it is respectively requested that the rejection of claims 2-4 and 13-15 be withdrawn.

Claims 6, 17, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson as applied to

claim 1, and further in view of Marks (5,461,960).

Applicant respectfully disagrees.

Marks does not remedy the deficiencies of Robinson with respect to claims 6, 17, and 25. Marks discloses an aerial dispenser having a breech plate. However, Marks does not disclose or suggest applicant's claims 1, 12 and 23 reciting a magazine containing a capsule and each having a cartridge device with the capsule being dimensioned so that the cartridge actuating device is at least partially insertable into the capsule.

Claims 6, 17, and 25 are dependent on one of independent claims 1, 12 or 23, and are allowable based at least on their dependency. Accordingly, it is requested that the rejection of claims 6, 17, and 25 be withdrawn.

Claims 7, 8, 18, 19, 26, and 27 stand rejected under 35 U.S.C. §103 as being unpatentable over Robinson and further in view of Schillreff (3,808,940). Applicant respectfully disagrees.

Schillreff does not remedy the deficiencies of Robinson with respect to claims 7, 8, 18, 19, 26, and 27.

In addition to the Examiner's reference to the disclosure of Schillreff for a cap at the end of a cartridge-activating device, Schillreff in column 6, lines 21-26, discloses a dispensing system that includes an ignition powder charge 72 that extends into a lift or launch charge 73 within a container 74. Schillreff further discloses, in column 6, lines 66 and 67, that the lift charge 73 projects the round from the tube 30 of unit 11 in a ballistic projector. As seen in Figs. 6 and 7, the lift charge 72 is physically separated from the round (capsule) by discs 75. By contrast, in the subject matter recited by claims 7, 8, 18, 19, 26, and 27, the capsule and the cartridge actuating device have an insertable relationship.

Applicants note that the lift charge 73 of Schillreff serves as the actuating device for ejecting the store or capsule from the launcher. By contrast, claims 1, 12 and 23 recite a magazine containing a capsule having a cartridge actuating device. The capsule is dimensioned so that the cartridge actuating device is at least partially insertable into the capsule. The controller of applicant's invention generates respective electrical signals to respective cartridge actuating devices, causing respective capsules to be ejected from respective tubes.

Accordingly, Schillreff does not disclose or suggest applicant's recited subject matter of claims 1, 12, or 23.

Claims 7, 8, 18, 19, 26 and 27 are dependent on one of independent claims 1, 12, and 23, and are allowable based on at least their dependency. Accordingly, it is respectfully requested that the rejection of claims 7, 8, 18, 19, 26, and 27 be withdrawn.

Claims 9, 20 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson and further in view of Mayersak (5,866,833). Applicant respectfully disagrees.

Mayersak does not remedy the deficiencies of Robinson with respect to claims 9, 20, and 28. Mayersak discloses a GPS used aboard an aircraft. However, Mayersak does not disclose or suggest the recited capsule of claims 1, 12 and 23 that is dimensioned to have the associated actuating device at least partially insertable thereto.

Claims 9, 20 and 28 are dependent upon one of claims 1, 12 or 23, and are allowable based at least on their



dependency. Accordingly, it is respectfully requested that the rejection of claims 9, 20 and 28 be withdrawn.

In summary, claims 1-30 are considered to be allowable and such allowance is respectfully requested.

Please apply any charges or credits to deposit account 50-0967.

Respectfully submitted,



Scott R. Boalick, Esq.  
Registration No. 42,337  
Department of the Navy  
Naval Surface Warfare Center  
Dahlgren Division  
Code XDC1, Bldg. 183, Rm.105  
Dahlgren, VA 22448-5100